

Is Teisamenos' Decree (Andoc. 1.83–84) a Genuine Document?

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IN HIS SPEECH *On the Mysteries* 81–85 Andokides describes the revision and republication of Athenian laws which took place in the period 403–399 in connection with the restoration of the democracy after the civil war between oligarchs and democrats. In corroboration of his account he has the principal decree about the matter read out to the jurors, and in the manuscripts of the speech the decree is inserted as a document (83–84). Is this decree a genuine document as most scholars believed until recently,¹ viz. a copy of the decree which was read out to the jurors at the trial in 400? or is it a later forgery as Mirko Canevaro and Edward Harris have argued?² Their basic view is that “if the inserted document is authentic, its contents should not contradict the trustworthy information provided by Andocides. On the other hand, any differences between the reliable statements in Andocides’ narrative and the

¹ D. M. MacDowell, *Andokides. On the Mysteries* (Oxford 1962); A. Fingarette, “A New Look at the Wall of Nikomakhos,” *Hesperia* 40 (1971) 330–335; K. Clinton, “The Nature of the Late Fifth-Century Revision of the Athenian Law Code,” *Hesperia* Suppl. 19 (1982) 27–37; M. H. Hansen, “Diokles’ Law (Dem. 24.42) and the Revision of the Athenian Corpus of Laws in the Archonship of Eukleides,” *ClMed* 41 (1990) 63–71; N. Robertson, “The Laws of Athens. 410–399 BC: The Evidence for Review and Publication,” *JHS* 110 (1990) 43–75; P. J. Rhodes, “The Athenian Code of Laws, 410–399 B.C.,” *JHS* 111 (1991) 87–100; J. L. Shear, *Polis and Revolution. Responding to Oligarchy in Classical Athens* (Cambridge 2011) 91–96, 239–247.

² M. Canevaro and E. M. Harris, “The Documents in Andocides’ *On the Mysteries*,” *CQ* 62 (2012) 98–129, at 110–116.

inserted document should be considered reasons to question the latter's authenticity."³

Now, Canevaro and Harris (110) provide the following paraphrase of Andokides' narrative in 82: "After members of the new council were selected by lot and *nomothetai* elected by the Assembly (εἴλεσθε), it was voted to examine the laws of Draco and Solon and submit them to the Assembly for approval." But that is not quite what Andokides says:

ἐπειδὴ δὲ βουλήν τε ἀπεκληρώσατε νομοθέτας τε εἴλεσθε, εὐρισκόν τῶν νόμων τῶν τε Σόλωνος καὶ τῶν Δράκοντος πολλοὺς ὄντας οἷς πολλοὶ τῶν πολιτῶν ἔνοχοι ἦσαν τῶν πρότερον ἔνεκα γενομένων. ἐκκλησίαν ποιήσαντες ἐβουλεύσασθε περὶ αὐτῶν, καὶ ἐψηφίσασθε, δοκιμάσαντες πάντας τοὺς νόμους, εἴτ' ἀναγράψαι ἐν τῇ στοᾷ τούτους τῶν νόμων οἱ ἂν δοκιμασθῶσι. καὶ μοι ἀνάγνωθι τὸ ψήφισμα.

Throughout the passage the verbs are in the second person plural: you had the council selected by lot; you elected the *nomothetai*; having summoned a meeting of the Assembly you decreed after an examination of all the laws to publish in the stoa all the laws that had been approved. Who are the persons to whom Andokides refers? Strictly speaking he addresses the jurors, who in forensic speeches are sometimes called (ἄνδρες) Ἀθηναῖοι, sometimes (ἄνδρες) δικασταί, and sometimes just ἄνδρες.⁴ Mostly the reference is to the jurors whom the speaker addresses; but sometimes the speaker treats his audience as if they were identical with the jurors who had heard an earlier trial,⁵ or with the citizens in an earlier meeting of the As-

³ Canevaro and Harris 110. Robertson, *JHS* 110 (1990), takes the opposite view: "Andocides ... patently distorts the documents which he quotes (45); "it is astonishing that much of Andocides' blague has been credited by scholars" (62). For a modified version of this view see Rhodes, *JHS* 111 (1991) 97: "Probably, as MacDowell suggests, we should rely more on the text of his [Teisamenos'] decree than on Andocides' commentary on it."

⁴ S. C. Todd, *A Commentary on Lysias. Speeches 1–11* (Oxford 2007) 88; W. Wyse, *The Speeches of Isaeus* (Cambridge 1904) 229.

⁵ Isae. 4.28, 5.37; Dem. 23.167.

sembly,⁶ or with the *nomothetai* who had passed a law,⁷ or with the members of the *boule*, cf. that Andokides earlier in the speech reminds the jurors of an *eisangelia* they had heard in the *boule*.⁸ Now, the logical subject of βουλήν ἀπεκληρώσατε is probably the Athenian citizens in their demes and the *thesmothetai* who were in charge of the central sortition.⁹ The subject of νομοθέτας εἴλεσθε may be the Assembly, i.e. the *demos*,¹⁰ but not necessarily. It may alternatively be the new *boule* whose members had been selected by lot. The persons who summoned the Assembly must be the *prytaneis* (*Ath. Pol.* 43.3). The people in Assembly vote to have all laws examined and to have those that were approved published in the stoa. It is not clear from Andokides' account to whom and by whom the inspection of the laws was entrusted and by whom they would be approved and published. The logical subject of ἀναγράψαι must be a board of officials, in this case probably the ἀναγραφεῖς τῶν νόμων,¹¹ not the *demos*, and similarly the logical subject of δοκιμάσαντες does not have to be the *demos*,¹² it may be the *boule* in cooperation with the *nomothetai*.¹³

⁶ Dem. 18.83, 19.23, 23.167, 24.25, etc.; see M. H. Hansen, *The Athenian Ecclesia* (Copenhagen 1983) 147–148 and 167 with n.24.

⁷ Dem. 20.94, 42.18; Isae 4.17; Hansen, *The Athenian Ecclesia* 167 with n.23.

⁸ Andoc. 1.37: εἰσαγγέλλει Διοκλείδης εἰς τὴν βουλήν ... καὶ τούτοις, ὧ ἄνδρες, δέομαι ὑμῶν προσέχοντας τὸν νοῦν ἀναμνησθεσθαι, ἐὰν ἀληθῆ λέγω, καὶ διδάσκειν ἀλλήλους, ἐν ὑμῖν γὰρ ἦσαν οἱ λόγοι, καὶ μοι ὑμεῖς τούτων μάρτυρές ἐστε.

⁹ Dem. 39.10; Aeschin. 3.13.

¹⁰ Assumed by Canevaro and Harris 110, 113, 114.

¹¹ Lys. 30.4; cf. P. Rhodes, *A Commentary on the Aristotelian Athenaion Politeia* (Oxford 1981) 441.

¹² Canevaro and Harris 112–113 refer to Andokides' "statement that the Assembly examined the laws (δοκιμάσαντες) and then had those which were approved inscribed and placed in the Stoa"; see also 111.

¹³ As prescribed in Teisamenos' decree, 84: τοὺς δὲ παραδιδόμενους νόμους δοκιμασάτω πρότερον ἢ βουλή καὶ οἱ νομοθέται οἱ πεντακόσιοι, οὓς οἱ δημόται εἴλοντο (see 46 below).

In addition to Andokides' narrative there are two other sources for the revision of the Athenian laws which Canevaro and Harris are willing to trust: the republication in 409/8 by the *anagrapheis ton nomon* of Drakon's law on homicide (*IG I³ 104*) and Lysias' speech against Nikomachos, one of the *anagrapheis ton nomon* (*Lys. 30*).

The introduction to the republication of Drakon's law reads as follows (4–8):

τὸ[ν] Δράκοντος νόμον τὸμ περὶ το φό[ν]ο ἀναγρα[φ]σά[ν]τον οἱ ἀναγραφῆς τὸν νόμον παραλαβόντες παρὰ τῷ β[α]σ[ι]λέ[ο]ς με]τ[ὰ τὸ γραμμ]ατέος τῆς βουλῆς ἐστέλει λιθίνει καὶ κα[τ]α[θ]έντ[ον πρόσ]θε[ν] τῆς στοᾶς τῆς βασιλείας.

According to Canevaro and Harris (112) “the inscription reveals that the *anagrapheis* had the laws inscribed on stelae and placed in front of the stoa only on the orders of the Assembly, which indicates that they approved the text to be inscribed.” That the Assembly ordered the republication is explicitly stated, but that the Assembly had “approved the text to be inscribed” is an inference not warranted by the text.

The other main source for the examination and republication of the laws is the speech written by Lysias for the prosecutor of Nikomachos. Canevaro and Harris are of course aware of the problem that he is “an advocate who is doing his best to place his opponent's action in the worst possible light.” But “although many of his statements are clearly slander, several of the details he gives are confirmed by a contemporary inscription (*IG I³ 104*)” (111), and here they repeat their view about the Assembly's involvement: “as the republication of Draco's homicide law reveals, each law had to be submitted individually to the Assembly for approval” (112).

Next, Canevaro and Harris discuss the document inserted in Andokides' speech at 83–84 and assert that the document “does not mention any examination of the laws of Draco and Solon but orders that the Athenians use their laws, which they used in the past” (113). The document thus appears to contradict (a) Andokides' account and the information provided by Lysias in *Against Nikomachos* 2–5, both prescribing a thorough

inspection of all laws, and (b) the law quoted by Andokides 88–89 that the laws are to be enforced from the archonship of Eukleides (113). But, Re (a): the document does not prescribe using Drakon's and Solon's old laws unchanged. On the contrary, the main part of the document prescribes a complicated procedure for amending and revising the old laws (see below). Thus it does not contradict Andokides and Lysias. And Re (b): as stated by MacDowell (*Andokides* 128), τοῖς δὲ νόμοις χρῆσθαι ἀπ' Εὐκλείδου ἄρχοντος at 1.88 “means that no one is to be prosecuted for an offence against the laws which was committed before 403/2.” I am unable to see how that conflicts with the document's provision to use the laws of Drakon and Solon, no matter whether they were published in the original or in revised form.

Differences between Andokides' and the document's accounts of the *nomothetai* constitute another obstacle to the document's authenticity. Instead of Andokides' mention of one set of *nomothetai*, according to Canevaro and Harris elected by the Assembly, in the document “we encounter two boards of *nomothetai*, one appointed by the Council, another by demesmen. Andokides (1.85) implies that the additional laws were ratified by the Assembly (85 and 86: ἐθέμεθα), but the document does not give the Assembly a role in enacting these laws” (114).

According to Andokides' account (82) the *nomothetai* served as a commission of inquiry, not as a decision-making board; they were probably intended to propose laws for some larger body to approve. The inserted document states that two different boards of *nomothetai* had been elected, the members of one board by the *boule*, the members of the other by the *demotai*. The first board was a commission of inquiry instructed to find and publish before the *eponymoi* “what there is still need of” (ὀπόσων δ' ἂν προσδέη). The second was a decision-making board entrusted with examining the bills submitted to them by the other board for inspection and ratification. The first board

was probably a small one,¹⁴ the second numbered 500 citizens elected in the 139 demes. It had to cooperate with the Council of Five Hundred; we are not told precisely how. Following MacDowell (*Andokides* 121) I believe that Andokides' vague expression at 82 might refer to either board of *nomothetai* or to both, i.e. the *nomothetai* elected by the *boule* and those elected by the *demotai*. If it refers to just one of the boards it must be the one elected by the *boule*, which—as stated both by Andokides and in the document—was a commission of inquiry, not a decision-making board like the 500 *nomothetai* elected by the *demotai*. From the identification of the *nomothetai* mentioned by Andokides with the first body mentioned in the document, it follows that the second-person plural in νομοθέτας εἴλεσθε refers to the *boule*, not to the Assembly as inferred by Canevaro and Harris. As argued above (35–36), the second-person plural in addresses to jurors refers not always to the *dikastai* hearing the case in question but to the Athenians at large and specifically to a number of different institutions manned with Athenians—not just the *demos* but also the *boule* or the *nomothetai* or the *dikastai* in former trials.

Canevaro and Harris conclude this part of their investigation by stating that “there are thus major differences between Andokides' account and the contents of the document.” The major discrepancies are summed up in three points.

First, “Andokides states that the laws of Draco and Solon were to be examined and only those approved by the Assembly were to be inscribed, which implies that some might be rejected. The document omits this process and asserts that the laws of Draco and Solon, which the Athenians followed in the past, are to be in force” (114). Yes, but not unchanged. The decree prescribes that whatever things there still is need of (ὀπίσθων δ' ἂν προσδέη) will have to be investigated by the *boule* and the *nomothetai* elected by the *boule* and announced publicly

¹⁴ According to Rhodes, *JHS* 111 (1991) 98, these *nomothetai* were appointed by and probably from the *boule*.

on tablets set up before the *eponymoi*. Then these proposals will be examined by the *boule* and a panel of 500 *nomothetai* elected by the demes. Furthermore any citizen may give the *boule* advice about the laws. After that they will be handed over to the magistrates (*tais archais*) in the course of this month, and be inscribed on the wall where they were inscribed previously.

The phrase ὀπόσων δ' ἄν προσδέη is often taken to denote only additions to the laws of Drakon and Solon, and not revisions.¹⁵ But the idiom means “what there is still need of” (LSJ s.v. I.2) and can cover corrigenda as well as addenda. Furthermore, any citizen is invited to advice the *boule* about the laws, apparently all laws and not just the published proposals.¹⁶ If only addenda in the strict sense are investigated and published they cannot be inscribed where they had been inscribed before.¹⁷ The inference is that any law to which an addendum had been made would have to be published in its entirety: “the implication by the end of the decree is that the whole body of this law is to get a thorough scrutiny; in other words, though some sections of this body will remain unchanged, the sort of *addition* that is contemplated will often require fundamental revision, and the entire body of the law (Draconian and Solonian), newly approved, is to be reinscribed.”¹⁸ On this interpretation there is no discrepancy between Teisamenos' decree and Andokides' account.

In discussions of the relationship between Teisamenos' decree and Andokides' account of it, there is an important aspect which is often forgotten and is not taken sufficiently into account by Canevaro and Harris: Teisamenos' decree *prescribes* the procedures to be applied in connection with the revision and republication of Athenian laws. Three years later Andoki-

¹⁵ Canevaro and Harris 113, 114; MacDowell, *Andokides* 195.

¹⁶ Emphasised by MacDowell, *Andokides* 196.

¹⁷ Andoc. 1.84: τοὺς δὲ κυρουμένους τῶν νόμων ἀναγράφειν εἰς τὸν τοῦ-
χον, ἵνα περ πρότερον ἀνεγράφησαν, σκοπεῖν τῷ βουλομένῳ.

¹⁸ Clinton, *Hesperia* Suppl. 19 (1982) 31–32.

des *describes* the procedures as actually employed. Differences between the document and Andokides' account may be due to modifications or unexpected effects of what Teisamenos had prescribed. The provision, for example, that every citizen could advise the *boule* about the laws may have resulted in many more investigations of individual laws than was originally expected and have led to the unforeseen examination of perhaps the entire corpus of laws.

Publication of the laws under revision is another feature that reveals the obvious difference between the prospective approach in Teisamenos' decree and the retrospective view in Andokides' description. The last provision of the decree is τοὺς δὲ κυρουμένους τῶν νόμων ἀναγράφειν εἰς τὸν τοῖχον, ἵνα περ πρότερον ἀνεγράφησαν, σκοπεῖν τῷ βουλομένῳ. Andokides' description is τοὺς δὲ κυρωθέντας ἀνέγραψαν εἰς τὴν στοάν. The present infinitive ἀναγράφειν¹⁹ and the present participle κυρουμένους in the decree combined with the idiom σκοπεῖν τῷ βουλομένῳ²⁰ indicate that the legislative process is still in progress; the aorists κυρωθέντας and ἀνέγραψαν in Andokides' account refer to the final publication.²¹ So Teisamenos in the document and Andokides in his account refer to different pub-

¹⁹ For a once and for all publication of something the proper form is the aorist ἀναγράψαι, whereas the present ἀναγράφειν is sometimes used about temporary and/or continuous publication, see e.g. *IG* II² 43.70, 1298.13, 1560a5; Lycurg. 1.117.

²⁰ That σκοπεῖν τῷ βουλομένῳ denotes temporary publication is argued at length by C. W. Hedrick Jr., "For anyone who wishes to see," *Ancient World* 31 (2000) 127–135. In addition to Andoc. 1.83 and 84 the relevant examples are *IG* I³ 60.31, 133.9–11, 1453G.15–17; II² 487.4–10; Dem. 24.18.

²¹ Suggested by Thompson *apud* Rhodes, *JHS* 111 (1991) 99, and *Commentary* 134–135; argued by Robertson, *JHS* 110 (1990) 46–52; followed by Rhodes, *JHS* 97–99. Robertson's translation of the passage is: "Those of the laws that are being approved shall be written up on the wall, just where they were written up before, for anyone to see who wishes." Shear (*Polis and Revolution* 91), however, like Canevaro and Harris, upholds the view that the document in 84 and Andokides in 85 refer to the same publication.

lications: Teisamenos to a preliminary publication on the wall (τοιχος) of the laws as they are being approved, Andokides to the final publication of the corpus of laws in the Stoa Basileios. Is the *toichos* a wall of the Stoa Basileios? Perhaps, but we do not know for sure, and the issue is of no consequence for the problem whether the document is genuine or a forgery (see below).

Second, “Andocides says that the Assembly elected *nomothetai*, who appear to have made proposals for new laws, which were ratified by the Assembly. The document mentions two boards of *nomothetai* but neither is elected by the Assembly, and the laws proposed and examined by these two boards are not submitted to the Assembly for approval.”²² It is correct that there is no reference to the Assembly in the document. But neither is there explicit reference to the Assembly in Andokides. That the *nomothetai* were elected by the Assembly, and that the laws after inspection had to be approved by the Assembly, are inferences made by Canevaro and Harris.

Following MacDowell (*Andokides* 121) I believe that Andokides' vague expression at 82 might refer to either board of *nomothetai* or to both, i.e. those elected by the *boule* and those elected by the *demotai*. If it refers to just one of the boards it must be the board of *nomothetai* elected by the *boule*, which—as stated both by Andokides and in the document—was a commission of inquiry that had to find and/or to propose laws; it was not a decision-making board. This is in my opinion the preferable interpretation, which implies that the *nomothetai* elected in the demes are passed over in silence in Andokides' account of the procedure. Why? An explanation is offered by Canevaro and Harris: “The second procedure was an examination of the laws of Draco and Solon (δοκιμάσαντες). Andocides states that this examination was necessary because several citizens were liable under these laws because of previous events. This explanation is tendentious: Andocides is attempting to give the impression

²² Canevaro and Harris 114.

that there was a complete break with past laws because he wants to convince the court that the decree of Isotimides, which barred him from temples of Attica and from the Athenian Agora, was no longer in effect (Andoc. 1.71).²³ Even assuming that the investigation conducted by the *boule* and the 500 *nomothetai* involved much more than some addenda, it was still less radical than the revision of the laws described by Andokides: ἐψηφίσαθε, δοκιμάσαντες πάντας τοὺς νόμους, εἴτ' ἀναγράψαι ἐν τῇ στοᾷ τούτους τῶν νόμων οἱ ἄν δοκιμασθῶσι. Therefore Andokides' focus is on the first board of *nomothetai* who apparently during their investigation had found²⁴ that many citizens would be liable to punishment if the old laws were ratified without change and therefore they must be amended to avoid conflict with the general amnesty issued in 403 and repeated in 401. Such an explanation is plausible, but it is premised on the assumption that in this case Andokides gives a "tendentious" account, whereas Canevaro and Harris throughout the article base their interpretation on the view that Andokides' account is reliable and can be trusted.²⁵

Third, "Andocides twice mentions publication of the approved laws of Draco and Solon in the *stoa basileios*" (114). To be precise, he refers without any specification to "the stoa," which by almost all scholars is identified as the Stoa Basileios.²⁶

²³ Canevaro and Harris 111. For a similar interpretation see Rhodes, *JHS* 111 (1991) 97: "There is no indication in Andocides that any work on the laws had been done earlier than 403/2, but it suits his own case to stress the completeness of Athens' fresh start in that year." The "fresh start" is noted approvingly by Canevaro and Harris at 111 n.73.

²⁴ At 82 the *nomothetai* are the subject of εὕρισκον, unless one prefers Reiske's emendation (Budé edition) εὕρισκοντες (MacDowell, *Andokides* 121); but, as an alternative, Reiske also suggests οὗτοι δὲ εὕρισκον.

²⁵ Canevaro and Harris 110: "the trustworthy information provided by Andocides" ... "the reliable statements in Andocides' narrative"; 112: "Andocides' account ... which is cursory but not inaccurate"; 113: "there is no reason to doubt Andocides on this point"; 115: "Andocides says ... and this is confirmed..."

²⁶ MacDowell, *Andokides* 121, 198 (writing before the discovery of the Stoa

But the two references are not identical: in 82 he uses the idiom ἀναγράφαι ἐν τῇ στοᾷ, in 85 ἀναγράφαι εἰς τὴν στοάν – “The inserted document omits this procedure, but says that the new laws are to be inscribed on a wall”²⁷—the Greek is ἀναγράφειν εἰς τὸν τοῖχον. Thus there are two differences to discuss: (1) the difference between ἀναγράφαι ἐν and εἰς and (2) the difference between στοά and τοῖχος. (1) The idiom ἀναγράφαι ἐν has two different meanings: to inscribe and to publish; the idiom ἀναγράφαι εἰς has only one: to inscribe. See e.g. *IG II²* 44.15–16: [ἀν]αγράφαι ἐστήληι λιθί[νῃ]ι κ[αὶ στ]ῆσα[ι Ἀθή]νησι μὲν ἐν ἀκροπόλ[ει] (inscribe); 79.14–16: ἀ[ναγρα]ψαι δὲ τόδε τὸ ψήφισμα [τὸν γρα]μματέα τῆ[ς] βουλῆς ἐν [ἀκροπόλ]ει (publish); *IG I³* 84.23–25: τὸν δὲ μισθοσάμενον τὸ τέμενος καὶ ὅποσο ἂν μισθόσεται ἀντενγραφάτο ὁ βασιλεὺς ἐς τὸν τοῖχον (inscribe); Lycurg. 1.117–118: ποιήσαντες στήλην ἐψηφίσαντο εἰς ταύτην ἀναγράφειν τοὺς ἀλιτηρίους καὶ τοὺς προδότας (inscribe). (2) To publish the laws ἐν τῇ στοᾷ is compatible with the view that the laws were published on stelai placed in the stoa.²⁸ To inscribe the laws εἰς τὴν στοάν suggests that they were published on a wall of the stoa, either directly on the wall or on a series of joining stelai placed against the wall of the stoa.²⁹ At 82 Andokides says that the Athenians decreed to publish in the stoa the laws that had been approved. At 85 he says that they inscribed the approved laws on the stoa.

Now, we have preserved thirteen fragments inscribed on stelai with what is probably parts of the sacred calendar collected and published by Nikomachos and the other *anagrapheis*

Basileios in 1970); Fingarette, *Hesperia* 40 (1971) 335 n.22; Rhodes, *JHS* 111 (1991) 91; S. Lambert, “The Sacrificial Calendar of Athens,” *BSA* 97 (2002) 353–399, at 356; Shear, *Polis and Revolution* 92. Robertson, however, *JHS* 110 (1990) 64–65, prefers the South Stoa.

²⁷ Canevaro and Harris 114.

²⁸ Canevaro and Harris 116: “All the epigraphic fragments assigned to the republication of the laws are inscribed on stelae, not a wall.”

²⁹ Robertson, *JHS* 110 (1990) 44; Shear, *Polis and Revolution* 244.

ton nomon in the years 403/2–400/399.³⁰ These fragments reveal that “the calendar was not, as was usual, inscribed on individual, self-standing stelai, but on series of stelai joined by clamps in the top.”³¹ The *stelai* are opisthographic and the original text on the principal side (Face A) had been erased, after which the stelai were reinscribed with Nikomachos’ calendar. “The inscriptions may have been re-erected such that Face B was no longer seen (e.g. backing against a wall).”³² The apparent discrepancy in Andokides’ account between ἐν τῇ στοᾷ and εἰς τὴν στοάν disappears when we take into account that the laws were inscribed on stelai that formed a wall and were placed against a wall of the stoa. The more serious problem is that the Stoa Basileios was too small to accommodate all the Athenian secular and sacred laws together, no matter whether in their final form they were published on stelai in the stoa or on the wall of the stoa.³³ This is a problem raised by Andokides’ account and has no bearing on the issue of whether the document is genuine or a late forgery.

After their comparative study of Andokides’ account of the revision of the laws in 403 and the decree inserted in the speech, Canevaro and Harris (115–116) raise six specific objections which in their opinion prove that the decree allegedly proposed and carried by Teisamenos and read out to the jurors is a forged document inserted into the text long after the initial

³⁰ Fingarette, *Hesperia* 40 (1971) 330–335; Lambert, *BSA* 97 (2002) 355. Cf. Lysias 30.21: ἐπειδὴν (τὰ πάτρια θύεται) κατὰ τὰς στήλας ἃς οὗτος (Νικόμαχος) ἀνέγραψε...

³¹ Lambert, *BSA* 97 (2002) 355; cf. Robertson, *JHS* 110 (1990) 44; Shear, *Polis and Revolution* 242.

³² Lambert, *BSA* 97 (2002) 355; cf. Shear, *Polis and Revolution* 244.

³³ Clinton, *Hesperia* Suppl. 19 (1982) 32–33; Rhodes, *JHS* 111 (1991) 90. According to Shear, *Polis and Revolution* 245, “in 399, at the end of the project of recollecting and restoring the laws, accordingly, the little Stoa Basileios contained vast amounts of inscribed text: great *stelai* with the texts of the laws stood once again between the columns of the two annexes, while the sacrificial calendar now covered the back wall of the building.”

publication of the speech: (1) The document lacks a normal prescript. (2) In decrees and laws of the Classical period there is no parallel to the use of the first-person plural form: ἐχρώμεθα. (3) The term δημόται never occurs in decrees of the Council and Assembly. (4) The normal expression in instructions for magistrates to act immediately is ἀντίκα μάλα and the expression ἐν τῷδε τῷ μηνί is unparalleled. (5) In the phrase νόμοις δὲ χρῆσθαι τοῖς Σόλωνος καὶ μέτροις καὶ σταθμοῖς the reference to μέτρα and σταθμά is nonsense, since the examination concerned only the laws of Drakon and Solon, not Solon's reform of measures and weights. (6) The revised laws were inscribed on stelae and placed in the Stoa (Basileios)—they were not inscribed on a wall.

Re (1). Published decrees have normal prescripts, but when a decree is quoted in another document, the prescript is typically cut down to, e.g., the name of the proposer, cf. *IG II³* 370.170: Κηφισοφῶν Λυσιφῶντος Χολαργεὺς εἶπεν.

Re (2). It is true that—apart from oaths—when the Athenians refer to themselves in a decree they do not use the first but the third person plural, cf. e.g. *IG I³* 127.24: [ἐὰ]ν δὲ πρεσβείαν ποι πέμπωσιν Ἀθηναῖοι, συμπέμπεν καὶ τὸς ἐξάμο παρόντας and *II²* 1.48: ἐπαινῶσι δὲ Ἀθηναῖοι Ἐφεσίος καὶ Νοτιᾶς. But in such decrees the Athenians are mentioned alongside citizens from other *poleis*. In my opinion the use of the first person plural is unobjectionable in the decree which the Athenians passed in 403 about the revision of their own laws without any reference to citizens of other *poleis*.

Re (3). The term *demotai* is frequently attested in dedications and decrees of the demes,³⁴ not in laws and decrees passed by the *polis*. But the election in the 139 demes of 500 *nomothetai* may have been the only occasion on which the members of the demes were asked to elect representatives to a legislative committee at *polis* level. So in this case the term *demotai* is in place and it is no wonder that it is the only attestation we know of.

³⁴ See Appendix 1 in Canevaro and Harris 126.

Re (4). ἀντίκα μάλᾳ is indeed the proper phrase indicating immediate action.³⁵ But ἐν τῷδε τῷ μηνί in Teisamenos' decree is not an instruction to act immediately but to act within a specified period of time. For a parallel see *IG I³* 41.90–91: ἐσαγόντων τὲν δίκη]ν τοῖ αὐτοῖ μηνὶ οἱ ναυτοδ[ίκα], and for similar idioms 105.39: ἐντὸς τριάκοντα ἡμερῶν, cf. 46.32, 47b.7–8, 96.10.

Re (5). I do not think it was nonsense to mention Solon's reform of measures and weights in connection with the revision of the laws. It was not only Solon's laws that were a key issue in 403. Measures and weights were a problem too. The Athenians believed—erroneously—that their silver currency went back to the period before Solon but was reformed by Solon (*Ath. Pol.* 10). During the final years of the Peloponnesian War the Athenians had stopped minting silver. In 407/6 they issued some gold coins. For daily purposes some bronze tetradrachms were all the mint could provide. In 403 they must have discussed what to do. A law about resuming the minting of silver may have been discussed. In the end nothing happened and silver coinage was not resumed until 393,³⁶ probably in connection with a reopening of the Laurion mines.

Re (6). Andokides is not consistent in referring to the stoa. In 82 his account of how the laws were inscribed is ἀναγράψαι ἐν τῇ στοᾷ, but in 85 it is ἀναγράψαι εἰς τὴν στοάν. The idiom ἀναγράψαι ἐν is compatible with having the laws inscribed on stelai and placed in the stoa, cf. ἀναγράψαι ἐν ἀκροπόλει, but ἀναγράψαι εἰς suggests inscribing on the stoa. It suggests having the laws inscribed on the wall of the Stoa Basileios. We do not know whether this wall was identical with the τοῖχος used previously for the preliminary publication of laws under revision, prescribed in Teisamenos' decree, but as stated before

³⁵ παραχρῆμα is an alternative, see M. Canevaro, *The Documents in the Attic Orators. Laws and Decrees in the Public Speeches of the Demosthenic Corpus* (Oxford 2013) 126.

³⁶ C. M. Kraay, *Archaic and Classical Greek Coins* (London 1976) 56, 331.

(45) that has no bearing on the issue of whether the document in 1.83–84 is genuine or a late forgery.

As the evidence stands there is no compelling reason to doubt that the document inserted in Andoc. 1.83–84 is genuine. It was probably inserted in the version of the speech published after the trial and is not a forgery.³⁷

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³⁷ I would like to thank Edwin Carawan and Peter Rhodes for valuable suggestions.